

**RALEIGH BOARD OF ADJUSTMENT
DECISIONS
May 8, 2017**

A-43-17, WHEREAS, Patricia Edgerton, property owner, requests a 1.1' front yard setback variance from the Five Points East Neighborhood Conservation Overlay District regulations set forth in Section 5.4.3.F.3.a. of the Unified Development Ordinance, a 5' rear yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance and complete relief from providing the two off-street parking spaces required by Section 7.1.2. of the Unified Development Ordinance in order to construct a detached house with an 18' front yard setback, a 15' rear yard setback and no off-street parking on a .21 acre property zoned Residential-10 and Neighborhood Conservation Overlay District and located at 1515 Carson Street.

Decision: Approved as requested.

A-47-17, WHEREAS, Spell Grounds, LLC, property owners, request a 4' variance to the minimum lot depth requirement set forth in Section 2.2.1. of the Unified Development Ordinance in order to subdivide one lot into two detached house building lots which results in two 56' deep lots being created out of a .17 acre parcel zoned Residential-10 and Neighborhood Conservation Overlay District (South Park) located at 1117 South Person Street.

Decision: Approved as requested.

A-51-17, A-52-17 & A-53-17 WHEREAS, Caraleigh Village, LLC, property owner, requests complete relief from the 3.5' side setback requirements for HVAC equipment set forth in Section 1.5.4.D.2.a. of the Unified Development Ordinance so that detached houses can be constructed with 0' side setbacks for HVAC equipment for each of the three .04 acre parcels zoned Planned Development and Special Highway Overlay District-2 and respectively located at 1607 Ella Wiggins Way, 607 Velma Hopkins Lane and 609 Maywood Avenue.

Decision: Deferred to the Board's June 12, 2017 meeting.

A-57-17, WHEREAS, Jeff Denny, property owner, requests a 2.9' side yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to build a detached house resulting in a 2.1' side yard setback on a .12 acre property zoned Residential-10 and located at 626 Dorothea Drive.

Decision: Approved as requested.

A-58-17 WHEREAS, Dixon/Kirby & Company Inc., property owners, request a variance for a 228 square feet increase over the allowed 51% amount of impervious coverage set forth in Section 9.2.2. of the Unified Development Ordinance to allow for the construction of a detached house and associated impervious surfaces without installing active stormwater control measures which results in a 53.5% impervious coverage on a .22acre site zoned Residential-6 and located at 2127 Cowper Drive.

Decision: Deferred to the Board's June 12, 2017 meeting.

A-59-17 WHEREAS, Lance and Cynthia Landvater, property owners, request a variance for a 646 square feet increase over the allowed 38% amount of impervious coverage set forth in Section 9.2.2. of the Unified Development Ordinance to allow for the construction of a detached house and associated impervious surfaces without installing active stormwater control measures which results in a 42.2% impervious coverage on a .35 acre site zoned Residential-4 and located at 1405 Canterbury Road.

Decision: Deferred to the Board's June 12, 2017 meeting.

A-60-17 WHEREAS, Awat Ilkani and Katelyn Tambellini, property owners, request a 5' side yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to allow for the construction of an attached carport on west side of the existing detached house that results in a 5' side yard setback on a .42 acre property zoned Residential-4 and located at 2312 Woodrow Drive.

Decision: Approved as requested.

A-61-17 WHEREAS, Gephart Building Company, LLC, property owner, requests a 4,844 square foot minimum lot size variance and a 35.26' minimum corner lot width variance pursuant to Section 2.2.1 of the Unified Development Ordinance to legalize the existing lot configuration as well as a 5' side street setback variance, a 2' side setback variance and a 2' sum of side setbacks variance pursuant to Section 2.2.1. of the Unified Development Ordinance to allow for the construction of a detached house that results in a 5,156 square foot 29.74' wide lot (existing) with a 10' side street setback, an 8' side setback and an 18' sum of side setbacks on a .12 acre parcel zoned Residential-4 and located at 2321 Hinton Street.

Decision: Approved as requested.

A-62-17 WHEREAS, Fidencio and Denise Platt, property owners, request a 27' side yard setback variance pursuant to the Neighborhood Conservation Overlay District regulations for the Foxcroft Neighborhood set forth Section 5.4.3.F.4.d. of the Unified Development Ordinance in

order to enlarge the existing detached house which results in a 13' side yard setback on a 1.2 acre parcel zoned Residential-1 and Neighborhood Conservation Overlay District and located at 3016 Allenby Drive.

Decision: Approved as requested.

A-63-17 WHEREAS, Paul and Jane Davis, property owners, request an 11.8' rear yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to allow for a rear addition to the existing detached house resulting in a 18.2' rear setback on a .53 acre parcel zoned Residential-4 and Neighborhood Conservation Overlay District located at 903 Runnymede Road.

Decision: Approved as requested.

A-64-17 WHEREAS, Jupiter Development, LLC, requests a 2.5' street setback variance from the Infill Compatibility Requirements set forth in Section 2.2.7.C. of the Unified Development Ordinance to allow for a detached house that is 46.2' from the front property line on a .31 acre parcel zoned Residential-4 and located at 3417 Churchill Road.

Decision: Approved as requested.

A-65-17 WHEREAS, Timothy Woods and Ross Bowers, property owners, request a 1.5' side yard setback variance to pursuant to Section 5.4.3.F.2.a.iv. of the Unified Development Ordinance to legalize an existing accessory garage/dwelling unit as well as a 1.5' side yard setback variance and a Special Use Permit pursuant to Section 10.3.6.A.6. of the Unified Development Ordinance to expand a roof overhang by less than 25% that results in a 1.5' side yard setback for the existing structure and a 1.5' side yard setback for the expanded roof portion on a .34 acre parcel zoned Residential-6 and Neighborhood Conservation Overlay District located at 309 Forest Road.

Decision: Approved as requested.

A-66-17 WHEREAS, Raleigh Custom Homes, Inc., property owner, requests a 7' variance to the street setback variance from the Infill Compatibility Requirements set forth in Section 2.2.7.C. of the Unified Development Ordinance to allow for a detached house that is 26' from the front property line on a portion of the .5 acre parcel zoned Residential-4 and located at 3312 Thomas Road.

Decision: Approved as requested.

A-67-17 WHEREAS, AIS Forestry and Farming, LLC, property owner, requests a Special Use Permit for an Outdoor Sports and Entertainment facility in excess of 250 seats pursuant to Sections 6.4.5.C. and 10.2.9. of the Unified Development Ordinance for a portion of a 65.92 acre parcel zoned Office Park -3-Parkway and located at 1021 Corporate Center Drive.

Decision: Approved as requested.

A-68-17 WHEREAS, Raleigh Property, Inc., property owner, requests a variance to reduce the amount of required parking for a hotel room by half of that required under Section 10-2081 of the former part 10 Zoning Code. The property is zoned Downtown Mixed-Use-20-Shopfront but has a pending legacy site plan that is to be reviewed under the former regulations. The request would result in roughly half of a parking space per hotel room, or 139 parking spaces for a 259 room hotel as proposed, on a .734 acre site located at 200 W. Davie Street.

Decision: Deferred to the Board's June 12, 2017 meeting.

A-69-17 WHEREAS, CJ Properties and Investments, property owners, request a 4.8' side setback variance , a 2.4' side setback variance, a 7.2' sum of side setbacks variance, and a 2.7' rear setback variance to allow for the construction of a detached house as well as a 4.1' rear setback encroachment variance that results in a both 5.2' and 7.6' side yard setback, 12.8 sum of side setbacks, a 27.3' rear setback and a 17.6' rear setback for the proposed deck on a .08 acre parcel zoned Residential-4 and located at 0 Battery Drive (Real Estate ID: 0036257).

Decision: Approved as requested.

A-70-17 WHEREAS, CJ Properties and Investments, property owners, request a 4.8' side setback variance, a .6' side setback variance and a 5.4' sum of side setbacks variance allow for the construction of a detached house that results in both 5.2' and 9.4' side yard setback and 14.68 sum of side setbacks on a .10 acre parcel zoned Residential-4 and located at 0 Battery Drive (Real Estate ID: 0434119).

Decision: Approved as requested.

A-71-17 WHEREAS, James Falkenbury and Amanda Styron, property owners, request a 12' variance from the fence requirements of Section 7.2.8.9.C. of the Unified Development Ordinance to build a 6' tall fence within 3' of their property line bordering Western Boulevard on a .14 acre parcel zoned Residential-10 and located at 101 Pineland Circle.

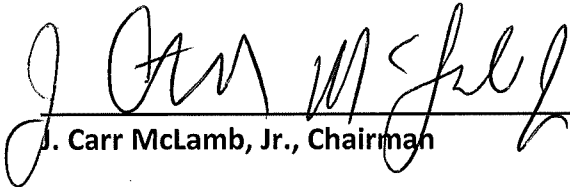
Decision: Approved as requested.

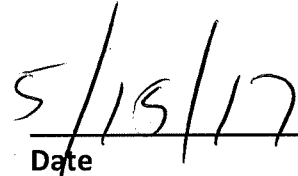
A-72-17 WHEREAS, Robert Monk, appellant, requests an appeal of the official interpretation, UI-3-17, which addresses how the City has determined the maximum allowed wall height adjacent to side property lines should be measured as regulated in Section 2.2.7.D. of the Unified Development Ordinance.

Decision: Deferred to the Board's June 12, 2017 meeting.

A-73-17 WHEREAS, Northstar Capital Group LLC, property owner, requests a 5'11", a 1'6" and a 3'6" variance to the maximum allowed wall height adjacent to the side property line requirements set forth in Section 2.2.7.D. of the Unified Development Ordinance resulting in a 27'11" wall height for an east-facing side gable located 5.8' from the side property line, a 28' wall height for the east facing inset rear portion of the house located 9.5' from the side property line and a 28' wall height for the projecting second floor box bay located 7.5' from the side property line on a .23 acre property zoned Residential-10 and located at 3010 Churchill Road.

Decision: Approved as requested.


J. Carr McLamb, Jr., Chairman


Date